

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, *et al., ex rel.*
LAURIE SIMPSON,

Plaintiffs/Relator,

v.

BAYER CORPORATION; BAYER
HEALTHCARE PHARMACEUTICALS, INC.;
BAYER HEALTHCARE LLC; and BAYER
AG,

Defendants.

HON. JOHN MICHAEL VAZQUEZ

Civil Action No. 2:05-3895 (JMV)(LDW)

ORDER

Hon. John Michael Vazquez, U.S.D.J.

The Court is in receipt of the Joint Stipulation of Dismissal filed by Relator Laurie Simpson and Defendants Bayer Corporation, Bayer HealthCare Pharmaceuticals, Inc., Bayer HealthCare LLC, and Bayer AG (“Bayer”) in this False Claims Act case. ECF 402. Pursuant to the False Claims Act, this Action may “be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” 31 U.S.C. § 3730(b)(1). The Attorney General, through his designee, has entered into the Settlement Agreement and consented to this dismissal, and the designees of the states named in the Tenth Amended Complaint (“Medicaid Participating States”) have also consented to this dismissal. ECF 404. Accordingly, the Court hereby enters this final order of dismissal because (1) the parties are represented by experienced and capable counsel; (2) the parties have litigated this matter thoroughly; (3) the United States has entered into the Settlement Agreement and the Attorney General, through his designee, has

consented to the dismissal of this Action; and (4) the Medicaid Participating States have consented to the dismissal of this Action. For the foregoing reasons, and for good cause shown,

IT IS on this _____ of December, 2022, hereby

ORDERED that, pursuant to Fed. R. Civ. P. 41, 31 U.S.C. § 3730(b)(1), and analogous provisions of applicable state law, this Action is **DISMISSED with prejudice** as to Relator, the United States and the Medicaid Participating States with regard to Relator's claims against Bayer for the Covered Conduct as defined in the Settlement Agreement between the United States, Bayer, and Relator, except for Relator's claims for reasonable attorneys' fees, expenses and costs pursuant to 31 U.S.C. § 3730(d)(2) and (h)(2), and analogous provisions of applicable state law; and it is further

ORDERED that the Court retains jurisdiction over this Action for Relator's claims for reasonable attorneys' fees, expenses and costs pursuant to 31 U.S.C. § 3730(d)(2) and (h)(2), and analogous provisions of applicable state law, and for purposes of enforcing the Settlement Agreement; and, it is further

ORDERED that, pursuant to Fed. R. Civ. P. 54 and Local Rule 54.2, any motions for reasonable attorneys' fees, expenses and costs pursuant to 31 U.S.C. § 3730(d)(2) and (h)(2), and analogous provisions of applicable state law shall be filed by **January 6, 2023;** this Order supersedes any prior schedule with regard to such motions.

HON. JOHN MICHAEL VAZQUEZ
UNITED STATES DISTRICT JUDGE